

1 John Tehranian (Bar No. 211616)
2 jtehranian@onellp.com
3 Taylor C. Foss (Bar No. 253486)
4 tfoss@onellp.com
5 Leo M. Lichtman (Bar No. 335779)
6 llichtman@onellp.com
7 Christopher S. Skinner (Bar No. 342830)
8 cskinner@onellp.com
9 **ONE LLP**
10 23 Corporate Plaza Suite
11 Suite 150-105
12 Newport Beach, CA 92660
13 Telephone: (949) 502-2870
14 Facsimile: (949) 258-5081

11 | *Attorneys for Plaintiff*, Scott Hargis, d/b/a Scott
12 | Hargis Photo

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

15 SCOTT HARGIS, d/b/a SCOTT
16 HARGIS PHOTO, an individual,

Case No.: 2:22-cv-06989-MCS-PD
Hon. Mark C. Scarsi

Plaintiff,

V.

19 PACIFICA SENIOR LIVING
20 MANAGEMENT, LLC, a California
21 limited liability corporation; and DOES
1-10, inclusive

**EX PARTE APPLICATION FOR
EXPEDITED BRIEFING AND
HEARING OF PLAINTIFF'S
MOTION FOR PARTIAL
RECONSIDERATION**

Defendants.

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that pursuant to Local Rule 7-19, that as soon as
3 the matter may be heard by the Hon. Mark C. Scarsi in Courtroom 7C of the above-
4 entitled Court, located at 350 W. 1st Street, Courtroom 7C, 7th Floor, Los Angeles,
5 California 90012, Plaintiff Scott Hargis dba Hargis Photo (“Hargis” or “Plaintiff”)
6 will and hereby does apply for expedited consideration of its concurrently-filed
7 Motion for Partial Reconsideration of the Court’s August 2, 2023 Order Re: Parties’
8 Cross Motions for Summary Judgment (Dkt. No. 42).

9 In an eleventh-hour production of documents, Defendant Pacifica Senior
10 Living Management, LLC (“Pacific” or “Defendant”) has provided a “supplemental
11 production” of documents consisting of emails and images related to Pacifica’s use of
12 all forty-three (43) photographs on its websites for months after receiving notice—
13 and after initiation of the lawsuit. Further, Pacifica’s production reinforces that
14 Defendant has caused spoliation of evidence related to those websites. Accordingly,
15 Hargis seeks expedited consideration of its motion for consideration based on
16 Pacifica’s late production.

17 The basis for this motion is that Hargis has discovered new evidence—upon
18 the production of such evidence as previously withheld by Pacifica. Realistically,
19 these issues must be sorted out prior to trial.

20 Per Local Rule 7-19.1, Plaintiff provided notice of this application and the relief
21 sought to all parties on November 15, 2023 by written email notice. (*See* Foss Decl.
22 ¶ 2.) On November 16, 2023, counsel for the parties participated in a video
23 conference to meet and confer; on that video conference Defendant indicated that they
24 would oppose this Application. (*Id.* ¶ 3.)

25 Per Local Rule 7-19, the name, address, phone number, and email address of
26 counsel for the opposing parties are:

27 Leo Bautista (Leo.Bautista@lewisbrisbois.com)

28 Matthew Taggart (Matt.Taggart@lewisbrisbois.com)

1 Matthew Trejo (Matthew.Trejo@lewisbrisbois.com)
2 LEWIS BRISBOIS
3 633 West 5th Street, Suite 4000
4 Los Angeles, CA 90071
5 Phone: 213.680.5173
6 Fax: 213.250.7900

7
8 This Application is based on the records and documents on file in this action,
9 the concurrently-filed Declaration of Taylor C. Foss, and any further evidence and
10 argument as may be presented prior to or at the time of hearing on this Application.

11 A [Proposed] Order is filed concurrently herewith.

12
13 Dated: November 16, 2023

ONE LLP

14 By: /s/ Taylor C. Foss
15 Taylor C. Foss
16 John Tehranian
17 Leo M. Lichtman
Christopher S. Skinner

18 *Attorneys for Plaintiff,*
19 Scott Hargis, d/b/a Scott Hargis Photo

20
21
22
23
24
25
26
27
28